

Appl. No. : 09/873,553  
Filed : June 4, 2001

## REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

### Discussion of Obviousness-Type Double Patenting

In the Office Action, the Examiner rejected Claims 1-53 as being objected to under the judicially created doctrine of double patenting as being unpatentable over U.S. Patent No. 6,606,588. In response, Applicant has filed a terminal disclaimer with respect to this patent, and respectfully submits that the basis of this rejection has been removed and these claims are now in condition for allowance.

Applicant submits that the filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission regarding the propriety of the rejection. *See* M.P.E.P § 804.02.

### Discussion of Claims

Dependent Claims 36 and 37 were objected to as being allowable but being dependent on a rejected base claim. Applicant respectfully submits that Claims 36 and 37 are rewritten into independent form and are now in condition for allowance. Claims 1-53 were rejected under double patenting. Applicant respectfully submits that this issue has been addressed above and all claims are now in condition for allowance.

### Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/3/2007

By:



Eric M. Nelson

Registration No. 43,829, Attorney of Record

Customer No. 20,995

(619) 235-8550